

STATE OF INDIANA) IN THE TIPPECANOE CIRCUIT COURT
) SS:
COUNTY OF TIPPECANOE) AVC NO. 02-044

IN RE: MUNOZ AUTO SALES, INC.)

MISCELLANEOUS DOCKET

NO. 79C01-0208-MI-47

Respondent.)

ASSURANCE OF VOLUNTARY COMPLIANCE

The State of Indiana, by Attorney General Steve Carter and Deputy Attorney General Terry Tolliver, and the Respondent, Munoz Auto Sales, Inc., enter into an Assurance of Voluntary Compliance (Assurance) pursuant to Indiana Code §24-5-0.5-7.

Any violation of the terms of this Assurance constitutes prima facie evidence of a deceptive act. This Assurance is entered into without any adjudication of any issue of fact or law, upon consent of the parties.

The parties agree:

1. Respondent is an Indiana corporation engaged in the sale of used automobiles, with a principal place of business at 710 Sagamore Parkway North, Lafayette, Indiana 47904, and transacts business with Indiana consumers.
2. The terms of this Assurance apply to and are binding upon Respondent, its employees, agents, representatives, successors, and assigns.
3. Respondent acknowledges the jurisdiction of the Consumer Protection Division of the Office of the Attorney General to investigate matters hereinafter described, pursuant to the authority of Ind. Code §4-6-9-4 and Ind. Code §24-5-0.5-1 *et seq.*

4. Respondent will refrain from making and shall not make, cause to be made, or permit to be made, expressly or by implication, any representation orally or in writing, regarding its ability to deliver certificates of title for motor vehicles unless Respondent actually intends to provide and, in fact, provides purchasers with motor vehicle certificate of title as represented.

5. Respondent will immediately comply with all provisions of Ind. Code §9-17-3-3, including but not limited to:

- a. endorsing the certificate of title for a vehicle which is sold or has ownership transferred by Respondent;
- b. delivering the endorsed certificate of title to the purchaser or transferee at the time of sale or delivery;
- c. if the conditions under Ind. Code §9-17-3-3(a)(4)(A-E) are met, delivering the endorsed certificate of title to the purchaser or transferee within twenty-one (21) days after the date of sale.

6. Respondent will immediately comply with all provisions of Ind. Code §9-18-26-10 and 140 IAC 3.5-2-15, including but not limited to, issuing no more than one interim license plate to a motor vehicle purchaser.

7. Respondent will immediately comply with all provisions of the Motor Vehicle Information and Cost Savings Act, 49 U.S.C. §32701 *et seq.* and 49 C.F.R. §580.1 *et seq.* including but not limited to:

- a. properly, accurately, and fully completing an odometer disclosure statement upon the sale or transfer of a vehicle;

b. providing a fully completed copy of the odometer disclosure statement to the purchaser at the time of sale or transfer of a vehicle;

8. Upon execution of this Assurance, Respondent shall pay costs in the amount of Five Hundred Dollars (\$500.00) to the Office of the Attorney General.

9. Respondent shall not represent that the Office of the Attorney General approves or endorses Respondent's past or future business practices, or that execution of this Assurance constitutes such approval or endorsement.

10. Respondent shall fully cooperate with the Office of the Attorney General in the resolution of any future written complaints the Consumer Protection Division receives.

11. The Office of the Attorney General shall file this Assurance with the Circuit Court of Tippecanoe County. The Court's approval of this Assurance shall not act as a bar to any private right of action.

Dated this 31st day of August, 2002.

STATE OF INDIANA

RESPONDENT

STEVE CARTER
Indiana Attorney General

MUNOZ AUTO SALES, INC.

By Terry Tolliver
Terry Tolliver
Deputy Attorney General
Atty. No. 22556-49
Office of the Attorney General
402 West Washington, 5th Floor
Indianapolis, Indiana 46204

By Javier Munoz
Title PRESIDENT
Printed Name JAVIER MUNOZ

APPROVED, this 28 day of August, 2002.

[Signature]
Judge, Tippecanoe County Circuit Court